IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

GRETCHEN S. STUART, M.D., et al.,)
Plaintiffs,)) PLAINTIFFS' MOTION TO TOLL) THE DEADLINE FOR PLAINTIFFS'
v.) MOTION FOR ATTORNEYS' FEES
RALPH C. LOOMIS, M.D., et al.,) Case No. 1:11-cv-00804
Defendants.)

NOW COME PLAINTIFFS, Gretchen S. Stuart, M.D., et al., and file their Motion to Toll the Deadline for Plaintiffs' Motion for Attorneys' Fees. In support thereof, Plaintiffs represent as follows:

- 1) On January 17, 2014, the Honorable Catherine C. Eagles entered Judgment for Plaintiffs, in part, in the above captioned case.
- 2) On February 17, 2014, Defendants filed their Notice of Appeal of this Court's Judgment.
- 3) Middle District of North Carolina Local Rule 54.2 requires parties to file a motion for statutory attorney's fees "within 60 days after the entry of final judgment." Said rule contains no provision to toll this deadline while this Court's Judgment is appealed.
- 4) On March 5, 2014 and March 6, 2014, Christopher Brook, representing Plaintiffs, and Faison Hicks, representing Defendants, consulted in regards to Plaintiffs plan to file a Motion for Attorneys' Fees. As a result of these consultations, the parties

agreed, in the interests of judicial economy, that Plaintiffs would file this Motion to Toll the Deadline for Plaintiffs' Motion for Attorneys' Fees. The parties further agreed that Plaintiffs would not utilize the tolling of this deadline to seek interest in any Motion for Attorneys' Fees filed by Plaintiffs. Defendants agreed they would not oppose this motion.

Wherefore, Plaintiffs respectfully move the Court to grant their Motion to Toll the Deadline for Plaintiffs' Motion for Attorneys' Fees such that Plaintiffs' motion for statutory attorneys' fees, if necessary, would be due 60 days after the conclusion of any and all appeals associated with this case.

Respectfully submitted, this the 17th day of March, 2014

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/s/ Christopher Brook

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 17, 2014, the foregoing **Plaintiffs' Motion to Toll the Deadline for Plaintiffs' Motion for Attorneys' Fees** was filed electronically with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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